



TOWN OF TEWKSBURY ZONING BOARD OF APPEALS

999 Whipple Road
Tewksbury, MA 01876

Robert Dugan, Chairman
Marc DiFruscia, Clerk
Leonard Dunn
Associate Members:
Gerald Kutcher
Jaime Doherty

DEPARTMENT OF COMMUNITY DEVELOPMENT

MEETING MINUTES February 27, 2014

The meeting was called to order at 6:30 p.m. by Robert Dugan, Chairman, at the Pike House (Temporary Tewksbury Town Hall). Present at the meeting were Len Dunn and Gerald Kutcher. Also in attendance was Melissa Johnson, Recording Secretary.

Marc DiFruscia and Jamie Doherty were not present.

Approval of Meeting Minutes – January 30, 2014

MOTION: Mr. Dunn made the motion to approve the January 30, 2014 meeting minutes as presented; seconded by Mr. Kutcher and the motion carried 3-0.

CONTINUED HEARING

GRE Tewksbury Property, LLC and GRE Tewksbury Apartments, LLC d/b/a Shawsheen Place for (a) a determination and confirmation pursuant to 760 CMR 56.05 (11) that the affordability “lock in period” set forth in the Comprehensive Permit issued by the Board on May 26, 1988 regarding the subject property has expired; and (b) modification of the Comprehensive Permit to address the affordability restriction. Said property is located at **11 Old Boston Road**, Assessor’s Map 48, Lot 33, zoned multifamily, commercial and Village Mixed Use Overlay Districts.

The applicant has requested to continue this matter to April 24, 2014 as they continue to have discussions with town officials. Mr. Dugan noted that the Board typically does not allow more than three continuances; however, notification of the continuance was received in advance and the matter continues to be worked on.

MOTION: Mr. Dunn made the motion to continue GRE Tewksbury Property, LLC and GRE Tewksbury Apartments, LLC d/b/a Shawsheen Place for (a) a determination and confirmation pursuant to 760 CMR 56.05 (11) that the affordability “lock in period” set forth in the Comprehensive Permit issued by the Board on May 26, 1988 regarding the subject property has expired; and (b) modification of the Comprehensive Permit to address the affordability restriction. Said property is located at 11 Old Boston Road, Assessor’s Map 48, Lot 33, zoned multifamily, Commercial and Village Mixed Use Overlay Districts to April 24, 2014 at 6:30 p.m.; seconded by Mr. Kutcher and the motion carried 3 0.
DUGAN, DUNN, KUTCHER

NEW HEARING

Charles A. and Carol A. Lucia for a variance from Section 4130 and Section 4143 of the Tewksbury Zoning Bylaw to construct a 26’ x 30’ detached garage as shown on plans filed with this Board. Said property is located at **276 Vale Street**, Assessor’s Map 117, Lot 4, zoned residential.

The applicant, Charles Lucia of 276 Vale Street, was present. Mr. Lucia explained that he is applying for a variance for the front and side setbacks. The lot is preexisting nonconforming. The front setback for the proposed garage will be three inches further back than the existing house. Mr. Lucia explained that there are only two houses on his portion of the street and to access his house he has to go thru Andover. Mr. Lucia noted that there are three direct abutters and all have provided letters supporting the project. Mr. Lucia provided the Board with copies of the letters.

Mr. Dugan noted that the home does not currently meet the dimensional requirements and asked if the setback for the corner of the garage will be 4 foot 4 inches. Mr. Lucia explained it will be 4 feet from the highway fence. Mr. Dunn asked if there is a sound barrier and Mr. Lucia explained that the trees blocking his house from the highway were cut to install a sound barrier and this was never done; the garage will serve as part of his sound barrier. Mr. Dunn asked what will happen if the sound barriers are installed after the garage is constructed. Mr. Lucia noted that the highway is 75 feet from his property.

Mr. Dunn asked what the purpose of the garage is and Mr. Lucia explained to store tools and his antique car.

Mr. Dugan requested a photo of what is being proposed and Mr. Lucia provided a copy of the plans.

Mr. Dunn asked what the height of the garage will be and Mr. Lucia noted less than 20 feet.

Mr. Dunn referenced the Building Commissioner’s letter dated January 23, 2014 which states that “it appears that the accessory structure may be in the front line of the principal structure and has side setbacks of 4.4’ and 8.6’”. Mr. Lucia noted that the Building Commissioner has visited the site and his letter states “appears” not that it is.

Discussion took place on which section of the Zoning Bylaws applies to this matter. Mr. Dugan explained that Section 4130 requires 15 feet; however, this is not the primary structure; it is an accessory building. Section 4143 reduces the relief to 10 feet. As a result, less relief is being sought and the applicant is actually requesting 6 feet not 10.5 feet.

Mr. Dugan asked why the garage is not being proposed closer to the home. Mr. Lucia explained that the builder suggested allowing space for roof overhang, stairs, etc. and it would not look right.

Mr. Dugan opened the hearing to the public and no one came forward to comment.

MOTION: Mr. Dunn made the motion to close both parts of the hearing; seconded by Mr. Kutcher and the motion carried 3-0.

MOTION: Mr. Dunn made the motion to approve Charles A. and Carol A. Lucia for a variance from Section 4130 and Section 4143 of the Tewksbury Zoning Bylaws to construct a 26' x 30' detached garage as shown on plans filed with this Board. Said property is located at 276 Vale Street, Assessor's Map 117, Lot 4, zoned residential, no commercial use; reference shall be made to the plans provided to the Board on February 27, 2014; seconded by Mr. Kutcher and the motion carried 3-0.
DUGAN, DUNN, KUTCHER

Old Business

There was no old business.

New Business

There was no new business.

Adjournment

MOTION: Mr. Kutcher made the motion to adjourn; seconded by Mr. Dunn and the motion carried 3-0.

Approved: 4/24/14

List of documents for 2/27/14 Agenda
Documents can be located at the Community Development Office

Approval of Minutes – January 30, 2014

NEW HEARING

- 6:30 P.M. Charles A. and Carol A. Lucia** for a variance from Section 4130 and Section 4143 of the Tewksbury Zoning Bylaw to construct a 26' x 30' detached garage as shown on plans filed with this Board. Said property is located at **276 Vale Street**, Assessor's Map 117, Lot 4, zoned Residential.
- *Application packet dated 1/29/14.*
 - *Letter 2/27/14 from John and Patricia King.*
 - *Letter 2/6/14 from John Leary.*
 - *Letter 2/24/14 from Stephanie Amaral.*
 - *Copy of KDK Design Plans for detached garage(4 pages).*

CONTINUED HEARING

- 6:30 P.M. GRE Tewksbury Property, LLC and GRE Tewksbury Apartments, LLC, dba Shawsheen Place** for (a) a determination and confirmation pursuant to 760 CMR 56.05(11) that the affordability "lock in period" set forth in the Comprehensive Permit issued by the Board on May 26, 1988 regarding the subject property has expired; and (b) modification of the Comprehensive Permit to address the affordability restriction. Said property is located at **11 Old Boston Road**, Assessor's Map 48, Lot 33, zoned Multi-Family, Commercial and Village Mixed Use Overlay Districts.
- *Letter dated 2/25/14 from Attorney Regnante requesting to be continued to 4/24/14.*